IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.588 OF 2007

Ajit @ Anil Dadu Gulakhe ..Applicant
Vs.
State of Maharashtra ..Respondents

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Mr.Vikas Shivarkar and Sunil Jaind advocate for applicant
Mr.K.V.Saste A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 25, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 29 of 2006 of Vishrambaug Police Station Pune. The said case is mainly under Section 302 of IPC.

3. Witness Amit Chavan has stated that on the day of incident, he saw the present applicant along with other accused. All these persons were armed with weapons like ‘Sattur’ and this witness saw them assaulting the deceased. Witness Ravindra Marne has stated that he saw three persons running away with the weapons bearing blood stains in their hands. He has specifically stated that the present

applicant was armed with a weapon like ‘Sattur’ and it was blood stained. The deceased received 33 injuries in the said incident.

4. The learned advocate for the applicant has submitted that statements of both these witnesses are recorded belatedly and hence, no reliance can be placed on those statements. However, this aspect can appropriately be gone into only at the time of trial. The material on record shows the involvement of the present applicant in the crime.

5. It is further submitted that co-accused Anil Khilare has been granted bail by this Court. However, as far as this aspect is concerned, the eye witness has not named Anil Khilare as having assaulted the deceased. Thus, it cannot be said that the material in respect of the present applicant and the said Anil Khilare is the same. Looking to the role played by the applicant, I am not inclined to grant bail.

6. Application is rejected.

[Smt.V.K.Tahilramani, J.]